

## **REMARKS**

Claims 1-25 and 89-106 are pending in the above-identified application. Claims 1-13, 16-25 and 89-106 were rejected. Claims 14 and 15 were objected to. With this Amendment, claims 2 and 10 were amended. Accordingly, claims 1-25 and 89-106 are at issue in the above-identified application.

### **35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 2, 4, 11, 23-25 and 92-95 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In light of applicants' amendments, applicants respectfully request withdrawal of this rejection.

### **35 U.S.C. § 102 and § 103 Rejection of Claims**

Claims 1, 5, 9, 16, 23, 89-91, 99-102 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Sandman et al.* (U.S. Patent No. 6,080,120). Claims 2, 3, 6, 7 and 102 were rejected under 35 U.S.C. § 102(b) as being anticipated by *McWhorter* (U.S. Patent No. 5,263,473). Claims 6, 8 and 102 were rejected under 35 U.S.C. § 102(b) as being anticipated by *McEwen et al.* (U.S. Patent No. 5,843,007). Claims 10-13 and 89-94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sandman et al.* in view of *Whitney* (U.S. Patent No. 4,597,384). Claims 1, 9, 16-18 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sandman et al.* in view of *Takeuchi et al.* (U.S. Patent No. 6,203,510). Claims 1, 9, 16, 19-23, 89-91 and 96-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sandman et al.* in view of *McWhorter* (U.S. Patent No. 5,263,473). Claims 1, 4, 9, 16 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sandman et al.* in view of *Gelfand et al.* (U.S. Patent No. 5,769,800) and *Arkans '961* (U.S. Patent No. 4,198,961).

Applicants respectfully traverse these rejections. Applicants respectfully traverse these rejections.

Amended claim 10 recites a massage device for massaging a body part of a person in an unsupervised and unattended setting, said massage device comprising *necking seams* positioned relative to certain bladders to provide at least some of the bladders with *approximately the same inflated volume*, thereby *equalizing the inflation volume* of the respective bladders, whereby substantially even inflation timing, with substantially even applied pressure, and, thus, overall smooth massage dynamics may be provided without overly complicated inflation fluid control. None of the cited references, either alone or in combination, teach or suggest providing *necking seams* positioned relative to certain bladders in order to provide at least some of the bladders *approximately the same inflated volume*.

For example, *Whitney* (U.S. Patent No. 4,597,384) discusses a compression sleeve 70 having pressure member 74, 76 and 78 wherein pressure member 74 has an upper edge 126 which is wavy and wherein pressure member 76 has an upper edge 130 which is wavy and generally responds reversely to the configuration of edge 126. (See *Whitney*, column 3, lines 33-50 and Fig. 1). However, *Whitney* fails to teach or suggest using necking seams positioned relative to certain bladders in order to provide at least some of the bladders with *approximately the same inflated volume*.

While *Sandman et al.* (U.S. Patent No. 6,080,120) discusses a sleeve 210 having a plurality of chambers 240, 241 wherein each chamber of the sleeve may, if desired, have a different volume which can be adapted to conform to the chamber location on the patients limb, *Sandman et al.* does not explicitly teach using bladders with *approximately the same inflated volume*, thereby *equalizing the inflation volume* of the respective bladders whereby *substantially*


*even inflation timing, with substantially even applied pressure*, and thus overall smooth massage dynamics may be provided without overly complicated inflation fluid control. Moreover, *Sandman et al.* fails to teach or suggest using necking seams positioned relative to certain bladders to provide at least some of the bladders with approximately the same inflated volume. *Sandman et al.* recites that the *distance* between the chambers is a matter of choice, depending upon the size of the sleeve and the location of the patients limb, and therefore hints that the volume in the chambers is related to the *distance* between the chambers. However, *Sandman et al.* fails to teach or suggest that necking seams may be provided relative to certain bladders to provide at least some of the bladders with approximately the same inflated volume.

Applicants believe that it would not be obvious to use *necking seams in order to equalize the inflation volume of respective bladders*, and therefore Applicants do not believe it would've been obvious to combine *Sandman et al.* with *Whitney et al.*, since neither teach nor suggests the possibility that necking seams may be used to equalize the inflation volume of respective bladders. Accordingly, Applicants believe that the claimed invention is not anticipated by nor obvious over the applied references, either or in combination. Withdrawal of these grounds of rejection is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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